

BILL NO. Z-83- 12-33

ZONING MAP ORDINANCE NO. Z- Lush

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. 0-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
INDIANA:

SECTION 1. That the area described as follows is hereby designated  
an R-3 (Multi-Family) District under the terms of Chapter 33 of the  
Code of the City of Fort Wayne, Indiana of 1974:

Lot Number 1 in Maple View Addition to the City of Fort  
Wayne, according to the plat thereof, recorded in Plat  
Record 7, page 22, in the Office of the Recorder of Allen  
County, Indiana, EXCEPT the East 150 feet thereof

and the symbols of the City of Fort Wayne Zoning Map No. 0-22, as established  
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect  
from and after its passage and approval by the Mayor.

Jess Lush  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

Bruce O. Boxberger  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by GiaQuinta, and duly adopted, placed on its  
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>1</u>	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 1-10-84

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

WIN MOSES, JR., MAYOR



Read the first time in full and on motion by Stier,  
seconded by Bradbury, and duly adopted, read the second time  
by title and referred to the Committee Regulators (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 12-13-83 Sandra E. Kennedy  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>SCHEMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>SCRUGGS</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_ - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_  
o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
WIN MOSES, JR. - MAYOR



TO: COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA Date Filed \_\_\_\_\_  
Intended Use Professional Office

I/we William F. Cain, D.D.S.  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from ~~an~~ R-1 district to ~~an~~ R-3 district the property described as follows:

Lot Number 1 in Maple View Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 7, page 22, in the Office of the Recorder of Allen County, Indiana, EXCEPT the East 150 feet thereof.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.  
William F. Cain, D.D.S. 3402 N. Anthony Blvd.  
Fort Wayne, IN 46805

(Name)	(Address)	(Signature)

Legal Description Checked By: \_\_\_\_\_  
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:  
William D. Swift 590 Lincoln Tower  
Fort Wayne, IN 46802 219-423-4422  
(Name) (Address) (Telephone Number)



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 13, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-12-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 12, 1983;

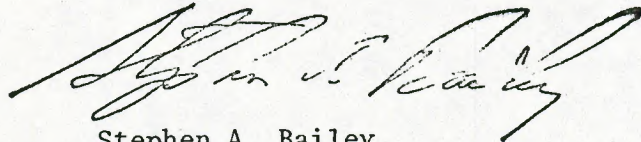
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Fact":

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use of value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 19, 1983.

Certified and signed this  
21st day of December 1983.



Stephen A. Bailey  
Secretary



BILL NO. Z-83-12-33

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-22

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do Not PASS.

JANET G. BRADBURY, CHAIRWOMAN

Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN

Samuel J. Talarico

CHARLES B. REDD

Charles B. Redd

MARK E. GIAQUINTA

Mark E. GiaQuinta

JAMES S. STIER

James S. Stier

*Concurred in  
1-10-84*

*Sandra E. Kennedy*

RECEIPT

No 9082

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 11/14 1983

RECEIVED FROM W. S. Cain DDS, \$ 50.00

THE SUM OF Sixty Dollars <sup>100</sup>/<sub>100</sub> DOLLARS

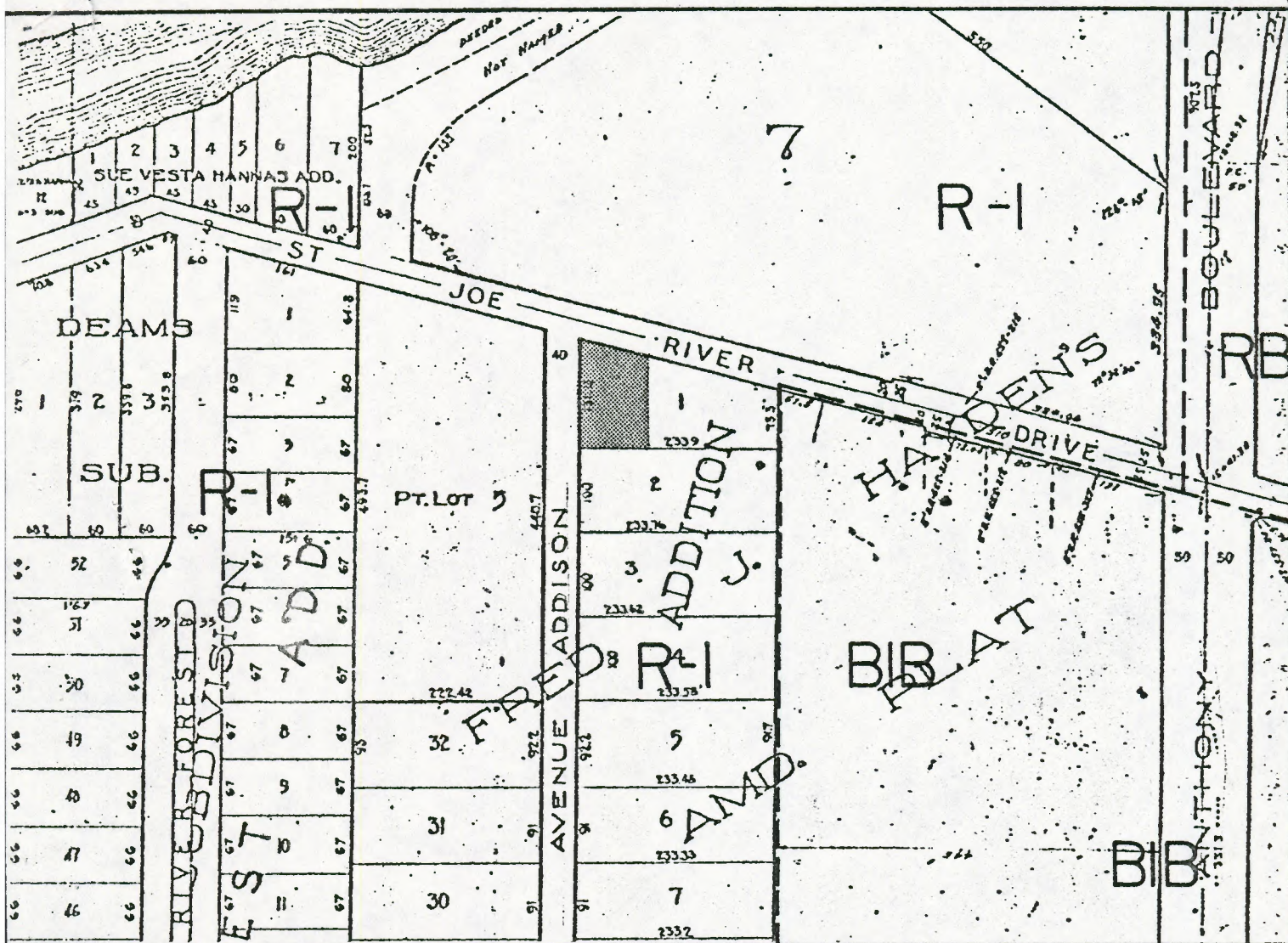
ON ACCOUNT OF Regoing

R-1 to R-3

check  
# 2455

Kim Brown  
AUTHORIZED SIGNATURE





A PETITION TO AMEND THE ZONING MAP BY RE-CLASSIFYING DESCRIBED PROPERTY FROM AN R-1 TO AN R-3 DISTRICT.

MAP NO. 0-22

Z-83-12-33







THE CITY OF FORT WAYNE  
DIVISION OF LAND USE MANAGEMENT  
Department of Community Development & Planning

21 December 1983

Members of the Common Council  
City-County Building  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held December 19, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-12-33
2. From R-1 to R-3
3. Intended Use: Dentist's Office
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- a. The granting of this rezoning request constitutes spot zoning.
- b. The use or value of the area adjacent to the property included in this rezoning will be adversely affected by allowing non-residential uses into a residential subdivision.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

*Gary F. Baeten*  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments





ORIGINAL

DIGEST SHEET

6511

Admin. Appl.

TITLE OF ORDINANCE Zoning Map Amendment

3-83-12-23

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lot #1 in Maple View Addition, except the East 150 feet.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become R-3 - Multiple Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_